

1 In any event, as set forth in the Court's separate order, filed concurrently herewith
2 and granting defendants' motion to dismiss, plaintiff may not refile a complaint that was
3 previously dismissed pursuant to Rule 41(b). As plaintiff cannot set forth an arguable
4 ground for denying the motion to dismiss, her request for additional time to file an
5 opposition is futile.

6 Accordingly, for the reasons set forth above, plaintiff's ex parte request for an
7 extension of time to file an opposition to defendants' motion to dismiss is hereby DENIED.

8 **IT IS SO ORDERED.**

9 Dated: September 26, 2006


MAXINE M. CHESNEY
United States District Judge

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